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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/689,610  | 10/22/2003  | David Theiler        | T0803.0002/P002     | 4815             |
| 24998   | 7590        | 07/06/2004           | EXAMINER            |                  |
| DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP<br>2101 L STREET NW<br>WASHINGTON, DC 20037-1526 |             |                      | COLON, CATHERINE M  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3623                |                  |

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/689,610             | THEILER, DAVID      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | C. Michelle Colon      | 3623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 October 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on October 22, 2003. Claims 1-21 are now pending in this application.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

As per the first prong of the test, for a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences) and therefore are found to be non-statutory subject matter. For a process claim to be satisfactory, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, method claims 1-7 recite the steps of creating a workflow process for an organization; however, the recited steps do not apply, involve, use, or

advance the technological arts since all of the recited steps can be performed in person or by use of a pencil and paper and without the need of a computer or other technology.

As per the second prong of the test, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a workflow process management application for an organization (i.e., concrete) by modeling the processes and department relationships (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-7 are directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (U.S. 6,067,548).

As per claim 1, Cheng discloses a method for creating a workflow process management application suitable for an organization, comprising:

creating objects related to workflow processing management modeling said organization, said objects including at least one department (col. 5, line 66-col. 6, line 5;

col. 6, lines 46-51; col. 7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.); and

for each department, setting relationships between the department and other objects (col. 3, lines 20-31; col. 4, lines 49-62; col. 6, lines 46-64; col. 9, lines 16-30; The system sets relationships between objects so that a relationship is set between a department and its members.).

As per claim 2, Cheng discloses the method of claim 1, further comprising:

for each department, entering a workflow plan (col. 4, lines 49-62; col. 13, lines 15-67; The system defines the work tasks for each object, such as for a department.).

As per claim 3, Cheng discloses the method of claim 2, further comprising:

producing a report showing the workflow plan (col. 15, line 59-col. 16, line 65; col. 17, lines 46-53; Users query the system to view workflow information such as status reports.).

As per claim 4, Cheng discloses the method of claim 1, further comprising:

for each department, entering actual workflow data (col. 9, lines 5-15; col. 18, lines 32-35 and 48-52; Users enter workflow information related to their assigned tasks.).

As per claim 5, Cheng discloses the method of claim 4, further comprising:

producing a report showing the actual workflow data (col. 17, lines 46-53; col. 18, lines 32-35; Users query the system to view information on actual workflow data such as project status reports.).

As per claim 6, Cheng discloses the method of claim 1, wherein said act of creating objects includes creating objects related to one of groups, departments, locations, acuities, and activities of the organization (col. 6, line 46-col. 7, line 40).

As per claim 7, Cheng discloses the method of claim 1, wherein said act of setting relationships sets relationships between said current department and objects relating to one of activities, resources, shifts, skills, and users (col. 9, line 16-col. 10, line 67; Figure 3).

As per claim 8, Cheng discloses a computer readable medium, comprising:  
a web based application comprising a plurality of web pages and a plurality of database tables, said web based application being executable by a computer (col. 17, lines 54-67; col. 18, lines 36-47; The system provides web-based access so that users retrieve and submit data globally.);

wherein the computer when executing the application, permits a user to create a workflow processing management application for an organization (col. 6, lines 46-51; col. 7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.).

As per claim 9, Cheng discloses the computer readable medium of claim 8, wherein said application:

creates objects related to workflow processing management modeling said organization, said objects including at least one department (col. 6, lines 46-51; col. 7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.); and

for each department, sets relationships between the department and other objects (col. 3, lines 20-31; col. 4, lines 49-62; col. 6, lines 46-64; col. 9, lines 16-30; The system sets relationships between objects so that a relationship is set between a department and its members.);

wherein said objects and relationship are stored in said plurality of database tables (col. 7, lines 54-67; col. 11, lines 24-52; col. 18, lines 19-35).

As per claim 10, Cheng discloses the computer readable medium of claim 8, wherein the objects created relate to one of groups, departments, locations, acuities, and activities of the organization (col. 6, line 46-col. 7, line 40).

As per claim 11, Cheng discloses the computer readable medium of claim 8, wherein the relationships include relationships with objects relating to one of activities, resources, shifts, skills, and users (col. 9, line 16-col. 10, line 67; Figure 3).

As per claim 12, Cheng discloses an apparatus for creating a workflow process management application (WPMA) for an organization, comprising:

a computer system, including a processor for executing code and a mass storage device (col. 18, lines 19-62; Figure 8); and

an application for execution on said computer system (col. 18, lines 19-62; Figure 8);

wherein the computer system, when executing said application:

creates objects related to workflow processing management modeling said organization, said objects including at least one department (col. 6, lines 46-51; col.

7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.); and

for each department, sets relationships between the department and other objects (col. 3, lines 20-31; col. 4, lines 49-62; col. 6, lines 46-64; col. 9, lines 16-30; The system sets relationships between objects so that a relationship is set between a department and its members.).

As per claim 13, Cheng discloses the apparatus of claim 12, wherein the created objects relate to one of groups, departments, locations, acuties, and activities of the organization (col. 6, line 46-col. 7, line 40).

As per claim 14, Cheng discloses the apparatus of claim 12, wherein the relationships include relationships with objects relating to one of activities, resources, shifts, skills, and users (col. 9, line 16-col. 10, line 67; Figure 3).

As per claim 15, Cheng discloses the method of claim 1, further comprising:  
displaying a page in a user interface, said page comprising:  
a logo region, a menu region, including at least one menu item, a navigation region, and a context sensitive area (col. 11, lines 53-58; col. 12, line 28-col. 13, line 8; Figures 9 and 10; The system provides users with graphical user interfaces for navigating to various information and retrieving/editing their workflow data.).

As per claim 16, Cheng discloses the method of claim 15, wherein the objects created in said creating step are based on user events generated by a user interacting with said menu region, navigation region, and context sensitive area (col. 12, line 28-

col. 13, line 8; Figures 9 and 10; The system allows users to interact with the interface in order to create objects.).

As per claim 17, Cheng discloses the method of claim 15, wherein said context sensitive area includes a hierarchical control object for showing and hiding a list of hierarchical objects (col. 12, line 28-col. 13, line 8; Figures 9 and 10).

As per claim 18, Cheng discloses the method of claim 17, wherein said hierarchical objects comprise at least one department of said organization (col. 12, line 28-col. 13, line 8; Figures 9 and 10).

As per claim 19, Cheng discloses the method of claim 17, wherein said hierarchical objects comprise at least one location of said organization (col. 12, line 28-col. 13, line 8; Figures 9 and 10).

As per claim 20, Cheng discloses the method of claim 15, wherein said menu region comprises at least one of a menu item and a sub-menu (col. 12, line 28-col. 13, line 8; Figures 9 and 10; Users select the an object in the menu interface of Figure 9 to get to a more detailed interactive interface in Figure 10 in order to update workflow data.).

As per claim 21, Cheng discloses the method of claim 1, further comprising: creating at least one department object (col. 6, lines 46-51; col. 7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.);

creating at least another object (col. 6, lines 46-51; col. 7, lines 15-24; Figures 3 and 4; The system creates objects related to a workflow process, where objects representing departments are created.);

setting a relationship between said at least one department object and said at least another object (col. 3, lines 20-31; col. 4, lines 49-62; col. 6, lines 46-64; col. 9, lines 16-30; The system sets relationships between objects so that a relationship is set between a department and its members.);

entering planned workflow (col. 4, lines 49-62; col. 13, lines 15-67; The system defines the work tasks for each object, such as for a department.);

generating and printing reports regarding said planned workflow (col. 15, line 59- col. 16, line 65; col. 17, lines 46-53; Users query the system to view workflow information such as status reports.);

entering actual workflow (col. 9, lines 5-15; col. 18, lines 32-35 and 48-52; Users enter workflow information related to their assigned tasks.); and

generating and printing reports regarding said actual workflow (col. 17, lines 46-53; col. 18, lines 32-35; Users query the system to view information on actual workflow data such as project status reports.).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Shigemi et al. (U.S. 6,314,434) discusses a structured data management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

- |              |  |
|--------------|--|
| 703-872-9306 | [Official Communications; including After Final communications labeled "Box AF"] |
| 703-746-7202 | [For status inquiries, draft communication, labeled "Proposed" or "Draft"]       |

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7<sup>th</sup> floor receptionist.

*cmc*  
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June 16, 2004

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